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8 **Attorney for the Plaintiff**
9 **United States of America**

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 **UNITED STATES OF AMERICA,** Case No. C07-4561M (JL)
13 Plaintiff,
14)
15 v.
16 Defendant,
17)

18 PLAINTIFF'S
19 CASE MANAGEMENT CONFERENCE
20 STATEMENT
21 Date : January 9, 2008
22 Time : 10:30 a.m.
23 Place: Honorable Judge Larson
24 Federal Building
25 San Francisco, CA

26
27 The plaintiff to the above-entitled action submits this Case Management
28 Statement and Proposed Order as follows.

29 **DESCRIPTION OF THE CASE**

30 **1. A brief description of the events underlying the action:** Three student loans
31 totaling approximately \$17,233.99

32 **2. The principal factual issues which the parties dispute:** None. In his ANSWER,
33 defendant states he wishes to pay monthly. Thereafter, defendant stated that he would be
34 paying the matter off. Defendant has not communicated with plaintiff subsequent to
35 plaintiff's October 31, 2007 letter to him.

36 **3. The principal legal issues which the parties dispute:** None.

37 **4. The other factual issues [e.g. service of process, personal jurisdiction, subject
38 matter jurisdiction or venue] which remain unresolved for the reason stated below and
39 how the parties propose to resolve those issues:** None.

40 **5. The parties which have not been served and the reasons:** None.

6. The additional parties which the below-specified parties intend to join and the intended time frame for such joinder: None.

ALTERNATIVE DISPUTE RESOLUTION

7. The following parties consent to assignment of this case to a United States Magistrate Judge for trial: Plaintiff.

8. The parties have already been assigned [or the parties have agreed] to the following court ADR process [e.g. Nonbinding Arbitration, Early Neutral Evaluation, Mediation, Early Settlement with a Magistrate Judge][State the expected or scheduled date for the ADR session]: None.

9. The ADR process to which the parties jointly request [or a party separately requests] referral: Plaintiff: None.

DISCLOSURES

10. The parties certify that they have made the following disclosures [list disclosures of persons, documents, damage computations and insurance agreements]: On October 16, 2007, plaintiff's counsel sent defendant a PROPOSED payment plan and a financial statement form to be filled out by defendant in order to establish a lower monthly amount of payment in the event defendant was unable to maintain plaintiff's proposed plan. On October 31, 2007, plaintiff's counsel sent defendant a payoff letter and a STIPULATION FOR ORDER DISMISSING CASE WITH PREJUDICE. To date, defendant has not responded.

DISCOVERY

11. The parties agree to the following discovery plan [Describe the plan e.g., any limitation on the number, duration or subject matter for various kinds of discovery; discovery from experts; deadlines for completing discovery]: None.

TRIAL SCHEDULE

12. The parties request a trial date as follows: If the matter is not settled, a dispositive motion date, only, should be set.

13. The parties expect that the trial will last for the following number of days:
Plaintiff estimates $\frac{1}{2}$ day.

SIGNATURE AND CERTIFICATION BY PARTIES AND LEAD TRIAL COUNSEL

Pursuant to Civil L.R. 16-6, each of the undersigned certifies that he or she has read the brochure entitled "Dispute Resolution Procedures in the Northern District of California," discussed the available dispute resolution options provided by the court and private entities and has considered whether this case might benefit from any of the available dispute resolution options.

Dated: December 28, 2007

M. COSENTINO, Counsel for the U.S.

Plaintiff's CMC;C07-4561M-JL

CASE MANAGEMENT ORDER

The Case Management Statement is hereby adopted by the Court as the Case Management Order for the case and the parties are ordered to comply with this Order. In addition the Court orders: [The Court may wish to make additional orders, such as:

- a. Referral of the parties to court or private ADR process;
 - b. Schedule a further Case Management Conference;
 - c. Schedule the time and content of supplemental disclosures;
 - d. Specially set motions;
 - e. Impose limitations on disclosure or discovery;
 - f. Set time for disclosure of identity, background and opinions of experts;
 - g. Set deadlines for completing fact and expert discovery;
 - h. Set time for parties to meet and confer regarding pretrial submissions;
 - i. Set deadline for hearing motions directed to the merits of the case;
 - j. Set deadline for submission of pretrial material;
 - k. Set date and time for pretrial conference;
 - l. Set a date and time for trial.]

Dated: _____

UNITED STATES DISTRICT JUDGE

Rev. 9/95

1 **PROOF OF SERVICE BY MAIL**

2 I am a citizen of the United States and a resident of the County of Alameda, I am over the
3 age of eighteen and not a party to the within above-entitled action; my business address is
4 1070 Marina Village Parkway, #206, Alameda, California, 94501. On December 28, 2007,
5 I served the attached **PLAINTIFF'S CASE MANAGEMENT CONFERENCE STATEMENT**
6 on the parties in said action, by placing a true copy thereof enclosed in a sealed envelope
7 with postage thereon fully pre-paid, in the United States Post Office Box in Alameda,
8 California, addressed as follows:

9
10 Scott J. LaValley
11 1965 Yosemite Street
Seaside, CA 93955

12 I declare under penalty of perjury that the foregoing is true and correct.

13 Executed on December 28, 2007 in Alameda, California.

14 D. Bauman
D. Bauman